

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

SASAKI, et al.

Appln. No.: 09/516,176

Filed: March 1, 2000

Title: INK-JET RECORDING MATERIAL AND
INK-JET RECORDING METHOD



Group Art Unit: 1773

Examiner: H. Thi Le

#9
8-19-02
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August 12, 2002
August 11, 2002=Sunday
August 10, 2002=Saturday

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action dated June 10, 2002, reconsideration is respectfully requested.

Specifically, in response to the restriction requirement under 35 USC 121 and 35 USC 372 (this a PCT application which entered the U.S. National Phase), the applicants hereby elect Group I containing claims 1-3, 16, 17 and 20-22, with traverse. The applicants provide the following reasons in support of their traverse.

The Office Action states that the application claims are restricted to the following groups:

Group I containing claims 1-3, 16, 17 and 20-22, drawn to a powder (hollow and flaky);

Group II containing claims 4-6, 8 and 9, drawn to a process of making a hollow powder by spray drying;

Group III containing claim 7, drawn to an exfoliated titania sol;

Group IV containing claims 10-12 and 14, drawn to a process of producing an exfoliated titania sol;

Group V containing claim 13, drawn to a mixed alkali metal titanate;

Group VI containing claim 15, drawn to a layered titanate compound;

Group VII containing claims 18 and 19, drawn to a process of making a flaky powder.

In support of the applicants' traverse of the restriction requirement, the Examiner is asked to review the International Search Report (ISR) which issued for this application (COPY attached for the convenience of the Examiner). **The ISR shows that no lack of unity of invention was found in this application.**

As stated in MPEP 1844, the ISR must indicate whether the search was restricted or not for, among other reasons, "lack of unity of invention." In the present application, no lack of unit of invention was determined.

In the present restriction requirement, Group I is drawn to a product (powder (hollow and flaky)) while Group II is drawn to a process of making the product (a hollow powder by spray drying) and Group VII is also drawn to a process of making the product (a flaky powder). Group III is drawn to a product (an exfoliated titania sol) and Group IV is drawn to a process of producing the product (an exfoliated titania sol). The claimed products of this application, as in Groups I and III, and also Groups V and VI, are embodiments of the product disclosed in this application.

The Examiner is asked to review the International Preliminary Examination Report (IPER) which issued for this application (copy attached for the convenience of the Examiner). **The IPER shows that no lack of unity of invention was found in this application.**

As stated in MPEP 1875, the Examiner may when preparing the IPER consider whether the international application complies with the requirement of unity of invention.

Further, 37 CFR 1.488(a) states that:

“Before establishing any written opinion or the international preliminary examination report, the International Preliminary Examining Authority will determine whether the international application complies with the requirement of unity of invention as set forth in 37 CFR 1.475.”

Of paramount importance here, is the fact that the International Preliminary Examining Authority did not find a lack of unity. The Authority did not impose a restriction requirement.

MPEP 1875 points out that in most instances, lack of unity of invention will have been noted and reported upon by the International Searching Authority which will have drawn up the International Search Report. Thus, the unity of invention of the present application has been thoroughly investigated once and then thoroughly investigated again during preparation of 1) the International Search Report and 2) the International Preliminary Examination Report.

In the present application, no lack of unity of invention was determined.

Additionally, with respect to the claimed product and process of making the product, under PCT 13.2 (see MPEP 1850), a finding of lack of unity of invention will not be found if the process is specially adapted for the manufacture of a product and such a relationship will exist if the claimed process inherently results in the claimed product with the technical relationship being present between the claimed product and claimed process. The words “specifically adapted” are not intended to imply that the product could not also be manufactured by a different process.

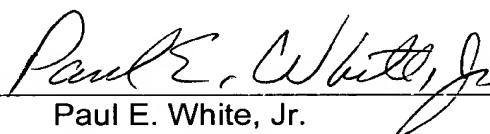
The applicants again point out that the unity of invention of the present application has been thoroughly investigated once and then thoroughly investigated again during preparation of 1) the International Search Report and 2) the International Preliminary Examination Report. No lack of unity of invention was determined during either of the two investigations.

Accordingly, the applicants request that no lack of unity of invention be found in the present application and all present claims be considered in this application. The applicants respectfully request that the restriction requirement be withdrawn.

Favorable consideration of this application are respectfully requested.

Respectfully submitted,

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